THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23603 OF 2005

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Dt:07.11.2005

Between:

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J.Naga Babu

… Petitioner

and

The Registrar and others.

… Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23603 OF 2005

ORDER:

The petitioner is a visually impaired person. He studied Polytechnic with the help of a scribe. The Government of Andhra Pradesh provided for admission into the second year of Engineering Course to the candidates, who have passed Polytechnic Course, subject to their securing appropriate rank in the common entrance examination called ECET. The petitioner was not permitted to appear in

the entrance examination on the ground that a completely blind candidate cannot be expected to pursue Engineering course. The petitioner approached this Court and on the basis of directions issued in a writ petition, he was permitted to appear in the entrance examination. He secured 70th rank. On the basis of that rank, he was entitled to be considered for admission into the second year of B.Tech course.

When the petitioner was not admitted into the Course on the ground that he is totally blind, the petitioner approached this Court once again. On the directions issued therein and on the basis of the order passed by the Government in G.O.Rt.No.815 dated 07.10.2005, the petitioner was admitted into B.Tech course in the second respondent college. The examinations of the first semester of the second year are scheduled to take place from today onwards. The petitioner states that the respondents are not permitting him to appear in the examination on the ground that he does not have the requisite attendance.

Sri B.S.Venkata Ramesh, the learned counsel for the petitioner submits that the delay in the admission of the petitioner in the second year was not attributable to him and it was only on the strength of the orders passed by the Government as late as on 07.10.2005 that the respondents have admitted him on 24.10.2005. He contends that once the petitioner was admitted into the second year, he is entitled to take the semester examination and the respondents cannot prevent him.

The learned standing counsel for the first respondent-University, on the other hand, submits that the petitioner has put in only five days of attendance in the first semester of the second year and according to the relevant Rules of the University, a candidate must have at least 75% of the attendance, so as to permit to appear in the examination.

Despite his handicap, the petitioner had pursued various courses with firm determination. The very fact that he secured 70th rank in ECET with all his disability, discloses his commitment and reveals his accomplishment.

The respondents cannot be found fault with for denying the admission at the initial stage. By their very nature, Engineering Courses are expected to be pursued by the persons, who possess the ordinary faculties. However, as an exceptional case, the petitioner was permitted to get admission into the Engineering Course, through lateral entry, on the basis of the special orders passed by the Government. Naturally,

this process has delayed the admission of the petitioner. Hardly, within five days from the date of admission of the petitioner into the second year, the first semester examinations are taking place.

Whatever may have been the factors that delayed the admission of the petitioner, the action of the respondents in not permitting him to appear in the first semester examination of the second year cannot be found fault with. The Rules clearly mandate that a candidate must have minimum 75% of attendance to be eligible to appear in an examination. The attendance of the petitioner is less than 10%. Permitting him to take the examination would be rendering the entire study of the course almost superfluous. At the same time, the petitioner cannot be detained in the course for no fault of his.

This Court is of the view that a balance can be maintained between these conflicting situations, by permitting the petitioner to appear in the first semester examinations also at the end of the second semester of the second year. During this period, the petitioner can make up the study for the first semester either by attending special classes or by undertaking extensive study. Such a course is adopted, having regard to the extraordinary circumstances, which exist in the case of the petitioner and not as an attempt to deviate from the prescribed Rules.

For the foregoing reasons, the writ petition is disposed of directing that the petitioner shall be entitled to take the examination of first semester of second year at the end of the second semester of that year, provided he puts up at least 80% of attendance from now onwards.

07.11.2005

Note: Issue C.C. in two days

(B/o)

kdl